

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Fort Berthold Landowners Association,	)	
Linda Driver, Gloria Fast Dog,	)	
Roger Birdbear, Nelson Heart,	)	<b>ORDER GRANTING DEFENDANT'S</b>
Beneficiaries,	)	<b>MOTION TO DISMISS</b>
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:06-cv-043
	)	
United States of America,	)	
	)	
Defendant.	)	

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Before the Court is the Government's "Motion to Dismiss" filed on July 13, 2007. See Docket No. 11. The Plaintiffs had thirty (30) days to file a response, with the response due by August 17, 2007. See N.D. Ct. R. 7.1(B)(2). The Plaintiffs have not filed any response to the motion to dismiss. Local Rule 7.1(C) provides that a failure on the part of an adverse party to file a brief with the Court "may be deemed an admission that, in the opinion of counsel, the motion is well taken." N.D. Ct. R. 7.1(C). Because of the Plaintiffs' total failure to file a brief or any response to the pending motion, the Court **GRANTS** the Government's Motion to Dismiss (Docket No. 11).

**IT IS SO ORDERED.**

Dated this 21st day of August, 2007.

/s/ Daniel L. Hovland  
Daniel L. Hovland, Chief Judge  
United States District Court